

STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

MUR: No. 04-0058

STATEMENT OF REASONS OF EXTERNAL INVESTIGATIVE CONSULTANT

On behalf of the Citizens Clean Elections Commission (“Commission”), the External Investigative Consultant hereby provides the Statement of Reasons showing no reason to believe violations of the Citizens Clean Elections Act (“Act”) and Commission rules have occurred.

I. Procedural Background

On March 7, 2005, Patrick Meyers (“Complainant”) filed a complaint against Susan Burke (“Respondent”), a participating candidate for State Senate, District 4, alleging 14 violations of the Act by Respondent. Exhibit A. On March 18, 2005, Respondent made her initial response to the complaint and provided supporting documentation and explanation for her expenditures. Exhibit B. On August 5, 2005, the Commission received Respondent’s amended campaign finance report for the 2004 election cycle. Exhibit C.

II. Alleged Violations

The allegations of violations made by Complainant fall into four categories, namely:

- (a) walk lists and vote by mail lists were purchased from commercial sources and not from the Republican Party (it is asserted that the purchases were illegal, but what law was violated was not specified);
- (b) a payment to American Express for a web site for one year disguised the actual vendor and spent campaign funds for services past the general election;
- (c) payments were made to a middleman and not made directly to vendors of goods and services to the campaign and the actual vendors were not reported; and
- (d) payments were made after the primary election and were not reported as incurred.

In every case, either the activity alleged as a violation was not illegal or has been reported in a satisfactory manner. Therefore, there is no reason to believe the Respondent is in violation of the Act or Commission rules.

Specifically, Respondent’s amended campaign finance reports specify the vendors to the campaign and the amounts expended for design, printing, postage, etc., and comply

with Commission requirements. Amounts paid after the primary election and identified as expenditures after the election were indeed incurred prior to the election, but were reported on the campaign finance report for the period in which they were incurred and, accordingly should not be deemed a violation. Respondent's explanation that the web site expense was minimized by making the one-year contract and that the web site was closed at the conclusion of the campaign is accepted. And finally, the activities involving the precinct walk lists and the purchase of vote-by-mail chase lists did not involve any illegal actions disclosed by the investigation of this matter.

III. Finding

Based upon the Complaint, Respondent's response, the amended campaign finance reports and the results of the staff study, the External Investigative Consultant recommends the Commission find no reason to believe violations of the Act or Commission rules occurred and dismiss the Complaint.

Dated this 17th day of August, 2005

By: _____
L. Gene Lemon
External Investigative Consultant